



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael J. Cuttler, *et al.* )  
Serial No: 09/638,650 ) Art Unit: 3626  
Filed: August 14, 2000 ) Examiner: Carolyn M. Bleck  
For: SYSTEM AND METHOD FOR ) Confirmation No.: 9848  
ACQUIRING AND ANALYZING )  
PERSONAL HISTORY INFORMATION )

**DECLARATION UNDER 37 C.F.R. 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Jeffrey R. McFadden, state as follows:

1. I am one of the applicants' attorneys in the above-identified patent application.
2. As can be seen from Exhibit A of the Declaration of Michael J. Cuttler, which is being submitted simultaneously herewith, I began preparing the present application on or about June 13, 2000. From June 13, 2000 until August 14, 2000, when the present application was filed, I and, other attorneys worked on the application as detailed in Exhibit A of the Cuttler Declaration.
3. Any period of inactivity from June 13, 2000 to August 14, 2000 was the result of a backlog of work which was taken up in chronological order.
4. Attached hereto as Exhibit A hereto is a true and correct copy of an email message dated July 31, 2000 to Michael J. Cuttler, one of the co-inventors of the above-identified patent application. As can be seen from Exhibit A, the email message is forwarding a

draft of the present application. Exhibit A clearly references the present application by the docket number, i.e., 4590-004.

5. As Applicants' counsel explained during the interview of May 18, 2005, the draft application includes privileged attorney client communications, namely, comments and questions by Applicants' attorney about the draft application. Such comments are expressly referred to in the body of the email message comprising Exhibit A. Thus, the draft of the application itself is not being submitted herewith.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

June 7, 2005  
Date

  
Jeffrey R. McFadden  
Attorney for Applicants

## EXHIBIT A

**Ivey Hancock**

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**From:** Jeff McFadden  
**Sent:** Monday, July 31, 2000 10:29 AM  
**To:** 'MCUTTLE@aol.com'  
**Subject:** SYSTEM AND METHOD FOR ACQUIRING AND ANALYZING PERSONAL HISTORY INFORMATION; Our File No. 4590-004



Application.doc

Mike:

Here's a draft of the application. I recommend that you forward a copy to Ty for his review. I'll fax the drawings to you.

After you've reviewed it, let's discuss the comments/questions in the draft.

Jeff